

Original sponsors: Colletta and Kerttula

Offered: 5/8/80
Referred: Rules

1 IN THE SENATE

BY THE STATE AFFAIRS COMMITTEE

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CS FOR SENATE BILL NO. 470

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IN THE LEGISLATURE OF THE STATE OF ALASKA

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ELEVENTH LEGISLATURE - SECOND SESSION

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A BILL

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For an Act entitled: "An Act relating to the inherent risks of skiing; and providing for an effective date."

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BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

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* Section 1. LEGISLATIVE FINDINGS AND INTENT. The legislature finds that the sport of skiing is practiced by a large number of residents of the state and attracts a large number of nonresidents, significantly contributing to the economy of the state. It further finds that insurance carriers are increasingly reluctant to provide liability insurance protection to ski area operators and that the premiums charged by insurance carriers have risen sharply in recent years due to confusion as to whether a skier assumes the risks inherent in the sport of skiing when he participates actively in the sport. It is the intent of the legislature in enacting this Act to clarify the law in relation to skiing injuries and the risks inherent in that sport and to provide that, as a matter of public policy, a person engaged in that sport may not recover from a ski area operator for injuries resulting from those inherent risks.

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* Sec. 2. AS 09.10 is amended by adding new sections to read:

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ARTICLE 2. LIMITATIONS ON CLAIMS ARISING FROM
INHERENT RISKS OF SKIING.

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Sec. 09.10.300. LIMITATIONS ON CLAIMS. A skier may not recover from a ski area operator for injury resulting from an inherent risk of skiing unless the injury occurred when the ski area operator was not providing the information required by AS 09.10.310.

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Sec. 09.10.310. INFORMATION FOR SKIERS. A ski area operator shall

1 post trail signs at prominent locations within a ski area which shall
2 include a list of the inherent risks of skiing and the limitation on
3 liability of the ski area operator provided by AS 09.10.300.

4 Sec. 09.10.320. DEFINITIONS. In AS 09.10.300 - 09.10.320

5 (1) "inherent risks of skiing" means the dangers or condi-
6 tions which are an integral part of the sport of skiing, including, but
7 not limited to,

8 (A) changing weather conditions;

9 (B) variations or steepness in terrain;

10 (C) snow or ice conditions;

11 (D) surface or subsurface conditions such as bare spots,
12 forest growth, and rocks;

13 (E) collisions with lift towers, other structures, and
14 their components unless the skier is on the lift;

15 (F) collisions with other skiers; and

16 (G) a skier's failure to ski within the limits of his
17 own ability;

18 (2) "injury" means a personal injury or property damage or
19 loss;

20 (3) "skier" means a person in a ski area engaged in the sport
21 of skiing, sliding downhill on snow or ice on skis, a toboggan, a sled,
22 a tube, a ski-bob, or other device for recreation in snow;

23 (4) "ski area" means all ski slopes, trails and other places
24 under the control of a ski area operator and administered as a single
25 enterprise in the state;

26 (5) "ski area operator" means the operator of a ski area.

27 * Sec. 3. AS 18 is amended by adding a new chapter to read:

28 CHAPTER 76. SNOW SAFETY.

29 Sec. 18.76.010. SNOW SAFETY AND OPERATION PLAN. (a) A ski area

1 may not be operated except under a snow safety and operation plan
2 approved by the commissioner of public safety under regulations adopted
3 by him.

4 (b) A ski area operated on land owned by the United States shall
5 comply with a snow safety and operation plan required by the agency of
6 the United States that manages the land on which the ski area operates.

7 * Sec. 4. AS 05.20.012 is repealed.

8 * Sec. 5. This Act takes effect immediately in accordance with AS 01.10.-
9 070(c).

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